COPYRIGHT COMPLIANCE

The University recognizes the importance of educating and promoting compliance with Copyright Law (Title 17 of the U.S. Code). Every University community member must comply with Copyright Law as well as University policy, including Use of Copyright Materials for Educational and Research Purposes.

The following is designed to be a practical guide to help you comply with both University policy and Federal Copyright Law.

1. Assess whether the material you are planning to post is protected by copyright.
   - You should start with the assumption a creative work (printed material, online material, sound recording, pictures, etc.) is copyrighted. A good background article is “Web Stewardship, Web Responsibilities,” which contains a good overview of copyright law as well as links to numerous copyright resources (include link or indicator where you have posted the article). (See below for limited exceptions.)
   - Items which do not fall under the copyright act:
     - Facts (e.g. information in phone books, the dates of WWII), ideas (a college education is essential)
     - Works in the public domain (e.g. when the copyright has expired). Just because material is on the web does not mean it is in the public domain. See www.unc.edu/~unclng/public-d.htm for help in determining whether a work is in the public domain.
     - U.S. Government works (e.g. statutes)
   - Copyright protection applies even if:
     - No notice is given.
     - The creator does not file with the Copyright Office.
     - The work is not published.

2. If the work is protected by copyright, you have several options if you want to use copyrighted material in an online class:
   - Obtain permission from the owner of the copyright. The University of Texas has excellent suggestions about obtaining permission as well as other copyright issues. http://copyright.lib.utexas.edu/permisn.html
• Provide a link to content, rather than include the entire work.
• Comply with the TEACH Act §110(2) exception in the Copyright Act. In order to comply with this exception, an instructor must:
  o Use a lawfully acquired copy.
  o Supervise the performance or display of the copyrighted material and use the material as an integral part of the class.
  o Make sure the material is relevant to the course. As an instructor, you determine in good faith whether material is relevant to your course. You should use a reasonable and limited portion. If you don’t need entire work, don’t use it.
  o Allow only students enrolled in the course to have access to the material. That is, students must be required to view the copyrighted material only if they use a password. Therefore, you should not post material outside of Blackboard.
  o Make sure the material is not available to students after class session is complete or at the very latest, after the course is complete. Instructors should set the date of availability on Blackboard to prevent access to material after it has been used.
  o Notify students that the material is protected by copyright and that copying and redistributing the material is a breach of copyright law.
  o Do not interfere with copyright protections built into material, and in general act in good faith to comply.

• Meet the Fair Use Exception Requirements under §107 of the Copyright Act. If the TEACH Act exception to copyright does not apply, you may still use fair use analysis. However, the reason the TEACH Act was passed was because the fair use exception did not work as well in the online context, Examples include:
  o You use a chapter of a book and are only using it for one semester.
  o You are streaming an entire film for educational purposes, if you recontextualize the work by adding background readings, study questions, annotations, etc.
Do not ever feel like you are in this alone. If you have questions, contact the Director of Online Education, and if he doesn’t know the answer, he will assist you in finding the answer.